

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE S.SIRI JAGAN**

**WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929**

**WP(C).No. 34411 of 2007(V)**  
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**PETITIONER:**  
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**K.N.RAJMOHAN,  
KRISHNAKRIPA, GOODALAYI,  
KALPETTA P.O., WAYANAD DISTRICT-673121.**

**BY ADV. SRI.A.M.SHAFIQUE  
SRI.E.K.NANDAKUMAR  
SRI.A.K.JAYASANKAR NAMBIAR  
SRI.ANIL D. NAIR**

**RESPONDENT:**  
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**THE ASSISTANT PROVIDENT FUND  
COMMISSIONER, EMPLOYEES PROVIDENT FUND  
ORGANISATION, ERANJIPALAM P.O.,  
CALICUT-673006.**

**BY SRI. THOMAS MATHEW NELLIMOOTTIL - SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**S. SIRI JAGAN, J.**

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**W.P.(C)No. 34411 OF 2007**  
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Dated this the 21<sup>st</sup> day of November, 2007

**JUDGMENT**

The petitioner was assessed to contributions under the Employees Provident Fund and Miscellaneous Provisions Act by the respondent, in exercise of his powers under Section 7A of the Act, by Ext.P1 order. Ext.P1 order was passed ex parte. Therefore the petitioner filed Ext.P2 petition under Section 7A(4) of the Act, seeking to set aside the ex parte order and rehearing the matter. However, in the meanwhile the respondent has initiated coercive recovery proceedings is the complaint raised by the petitioner in this writ petition. The petitioner therefore seeks stay of recovery proceedings, pending disposal of petition under Section 7A(4) of the Act.

2. I have heard the learned standing counsel appearing for the Provident Fund Organisation also. The petitioner has a statutory right to file an application under Section 7A (4) of the Act. That being so, the respondent has a duty to dispose of the

same expeditiously. It is not proper on the part of the respondent to initiate coercive proceedings while petition under Section 7A(4) is pending.

3. In the above circumstances, I direct the respondent to consider and pass appropriate orders on Ext.P2 petition as expeditiously as possible. Till orders are passed on Ext.P2, further recovery proceedings pursuant to Ext.P1 shall be kept in abeyance.

The writ petition is disposed of as above.

**S. SIRI JAGAN, JUDGE**

Acd

